

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 950

Introduced by Assembly Member Coto

February 18, 2005

~~An act to amend Section 42239 of, and to add and repeal Article 5 (commencing with Section 37260) of Chapter 2 of Part 22 of the Education Code, relating to instruction. An act relating to teachers, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 950, as amended, Coto. ~~Instruction: Laboratory Summer Schools Program~~ *Teachers: English language learner project.*

~~Existing law requires a school district, and authorizes a charter school, to offer supplemental instructional programs for pupils who do not demonstrate sufficient progress toward passing the high school graduation exit exam. Existing law authorizes these instructional programs to be offered during the summer, among other times. permits a teacher with a basic teaching credential to be assigned to provide specially designed content instruction delivered in English, as defined, to limited-English-proficient pupils only if certain conditions are met, including that the teacher complete, before January 1, 2008, 45 clock hours of staff development in methods of specially designed content instruction delivered in English. Existing law provides for the establishment of guidelines for that staff development.~~

This bill would require the State Department of Education to select 15 applicant school districts to participate in an English language learner staff development action research project administered pursuant to this act in the 2006–07 school year, as specified. The bill would appropriate \$150,000 from the General Fund to make grants of

\$14,000 to participating school districts for those purposes. Because the bill would require the participation of specified school districts, the bill would create a state-mandated local program.

The bill would require that the appropriation be included in the amounts appropriated by the state in the 2005–06 fiscal year for purposes of meeting the state’s minimum funding obligation to school districts and community college districts under Section 8 of Article XVI of the California Constitution for that fiscal year.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~This bill would establish the Laboratory Summer School Program, pursuant to which 100 applicant schools, chosen by the State Department of Education, commencing with the 2007-08 school year, provide core area content standards instruction to pupils and staff development to teachers. The bill would declare the program to be inoperative on and after July 1, 2010, and repealed as of January 1, 2011.~~

Vote: majority. Appropriation: ~~no~~yes. Fiscal committee: yes. State-mandated local program: ~~no~~yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Article 5 (commencing with Section 37260) is~~
- 2 ~~added to Chapter 2 of Part 22 of the Education Code, to read:~~
- 3 ~~SECTION 1. (a) The State Department of Education shall~~
- 4 ~~select 15 school districts to participate in an English language~~
- 5 ~~learner staff development action research project administered~~
- 6 ~~pursuant to this act in the 2006–07 school year, including all of~~
- 7 ~~the following:~~
- 8 ~~(1) Los Angeles Unified School District.~~
- 9 ~~(2) San Diego Unified School District.~~
- 10 ~~(3) Long Beach Unified School District.~~
- 11 ~~(4) Santa Ana Unified School District.~~
- 12 ~~(5) Fresno Unified School District.~~
- 13 ~~(6) Stockton City Unified School District.~~

1 (7) *San Jose Unified School District.*

2 (8) *San Francisco Unified School District.*

3 (9) *Oakland Unified School District.*

4 (10) *Sacramento City Unified School District.*

5 (b) (1) *The department shall evaluate a proposal for funding*
6 *of an applicant school district and award a grant in an amount*
7 *equal to fourteen thousand dollars (\$14,000) to a participating*
8 *school district for the purpose of conducting a one-year action*
9 *research project for an action research project team.*

10 (2) *An action research project team shall be composed of no*
11 *less than three and no more than five classroom teachers, and*
12 *the principal of the school at which the team operates.*

13 (c) *A grant shall be used for costs derived from the*
14 *development and implementation of an action research project.*

15 (d) *An action research project shall include all of the*
16 *following:*

17 (1) *A problem statement based on available data.*

18 (2) *A background statement regarding the problem identified*
19 *pursuant to paragraph (1).*

20 (3) *A purpose statement regarding the project.*

21 (4) *Research questions designed to guide the team from the*
22 *purpose of the project to a solution.*

23 (5) *A review of existing data regarding English language*
24 *learning including research, data, and best practices, and an*
25 *annotation of no less than 20 publications regarding English*
26 *language learning.*

27 (6) *A formulated plan.*

28 (7) *Implementation of the plan formulated pursuant to*
29 *paragraph (6).*

30 (8) *Evaluation of the implementation of the plan.*

31 (e) *An action research project shall submit five copies of its*
32 *report regarding the project to the department no later than*
33 *September 1, 2007. The department shall maintain an electronic*
34 *version of the report on its Web site.*

35 SEC. 2. (a) *The sum of one hundred fifty thousand dollars*
36 *(\$150,000) is hereby appropriated from the General Fund to the*
37 *State Department of Education for the purposes of Section 1 of*
38 *this act.*

39 (b) *For the purposes of making computations required by*
40 *Section 8 of Article XVI of the California Constitution, the*

1 *appropriation made by this section shall be deemed to be*
2 *“General Fund revenues appropriated to school districts,” as*
3 *defined in subdivision (c) of Section 41202 of the Education*
4 *Code for the 2005–06 fiscal year and be included within the*
5 *“total allocations to school districts and community college*
6 *districts from General Fund proceeds of taxes appropriated*
7 *pursuant to Article XIII B,” as defined in subdivision (e) of*
8 *Section 41202 of the Education Code for the 2005–06 fiscal year.*

9 *SEC. 3. If the Commission on State Mandates determines that*
10 *this act contains costs mandated by the state, reimbursement to*
11 *local agencies and school districts for those costs shall be made*
12 *pursuant to Part 7 (commencing with Section 17500) of Division*
13 *4 of Title 2 of the Government Code.*

14 **Article 5. Laboratory Summer School Program**

15
16 ~~37260. (a) Commencing with the 2007-08 school year, a~~
17 ~~successful applicant school district may implement a three-year~~
18 ~~laboratory summer school program, that would offer no less than~~
19 ~~20 additional days of instruction.~~

20 ~~(b) The department shall approve applications for participation~~
21 ~~in the Laboratory Summer School Program, to be implemented in~~
22 ~~100 schools, based on all of the following:~~

23 ~~(1) School and school district readiness.~~

24 ~~(2) Statewide grade level balance. The department shall ensure~~
25 ~~that one-third of pupils participating in a school program are in~~
26 ~~kindergarten and grades 1 to 5, inclusive, one-third of pupils~~
27 ~~participating in a school program are in grades 6 to 8, inclusive,~~
28 ~~and one-third of pupils participating in a school program are in~~
29 ~~grades 9 to 12, inclusive.~~

30 ~~(3) Statewide demographic and geographic balance.~~

31 ~~(c) (1) A participating pupil shall be selected according to~~
32 ~~interest and need. No less than one-third of the pupils attending a~~
33 ~~participating school shall participate.~~

34 ~~(2) A participating pupil shall receive core area content~~
35 ~~standards instruction and shall be assessed on his or her mastery~~
36 ~~of those standards.~~

37 ~~(3) A pupil shall receive academic credit for participating in a~~
38 ~~school program.~~

1 ~~(d) (1) A participating teacher shall be selected according to~~
2 ~~interest and need. No less than one-third of the teachers~~
3 ~~employed by a participating school shall participate.~~

4 ~~(2) A participating teacher shall receive staff development~~
5 ~~instruction for no less than 50 percent of each day. The staff~~
6 ~~development instruction shall focus on the instruction of core~~
7 ~~area content standards, and shall include development of delivery~~
8 ~~of instruction, coaching, feedback, practice, collaboration,~~
9 ~~evaluation, and documentation. A participating teacher shall by~~
10 ~~assessed on his or her mastery of instruction of those standards.~~
11 ~~Administrators shall participate in staff development.~~

12 ~~(3) A participating teacher shall receive additional prorated~~
13 ~~compensation for his or her participation in a school program.~~

14 ~~(e) A school district offering a laboratory summer school pilot~~
15 ~~project pursuant to this article shall receive funding as described~~
16 ~~in Section 42239 and in the annual Budget Act.~~

17 ~~(f) This section shall become inoperative on July 1, 2010, and,~~
18 ~~as of January 1, 2011, is repealed, unless a later enacted statute,~~
19 ~~that becomes operative on or before January 1, 2011, deletes or~~
20 ~~extends the dates on which it becomes inoperative and is~~
21 ~~repealed.~~

22 ~~SEC. 2. Section 42239 of the Education Code, as added by~~
23 ~~Chapter 871 of the Statutes of 2004, is amended to read:~~

24 ~~42239. (a) For the 2005-06 fiscal year, and each fiscal year~~
25 ~~thereafter, the Superintendent shall compute funding for~~
26 ~~supplemental instruction for each school district or charter school~~
27 ~~by multiplying the number of pupil hours of supplemental~~
28 ~~instruction claimed pursuant to Sections 37252, 37252.2, and~~
29 ~~37260 by the pupil hour allowance specified in subdivision (b) or~~
30 ~~by a pupil hour allowance specified in the annual Budget Act in~~
31 ~~lieu of the amount computed in subdivision (b).~~

32 ~~(b) Commencing with the 2000-01 fiscal year, hours of~~
33 ~~supplemental instruction shall be reimbursed at a rate of three~~
34 ~~dollars and twenty-five cents (\$3.25) per pupil hour, adjusted in~~
35 ~~future years as specified in this section, provided that a different~~
36 ~~reimbursement rate may be specified for each fiscal year in the~~
37 ~~annual Budget Act that appropriates funding for that fiscal year.~~
38 ~~This amount shall be increased annually by the percentage~~
39 ~~increase pursuant to subdivision (b) of Section 42238.1 granted~~

1 to school districts or charter schools for base revenue limit
2 cost-of-living increases.

3 (e) (1) If appropriated funding is insufficient to pay all claims
4 made in any fiscal year pursuant to Sections 37252 , 37252.2,
5 and 37260, the Superintendent shall use any available funding
6 appropriated for the purposes of reimbursing school districts
7 pursuant to Sections 37252, 37252.2, and 37260.

8 (2) If appropriated funding is still insufficient to pay all claims
9 made in any fiscal year pursuant to Sections 37252 , 37252.2,
10 and 37260, the Superintendent shall use any available funding
11 appropriated for the purposes of reimbursing school districts for
12 supplemental instruction in the prior fiscal year.

13 (3) If appropriated funding is still insufficient to pay all claims
14 made in any fiscal year pursuant to Sections 37252, 37252.2, and
15 37260, the Superintendent shall use any available funding
16 appropriated for the purposes of reimbursing school districts for
17 supplemental instruction in the current fiscal year.

18 (4) If appropriated funding is still insufficient to pay all claims
19 made in any fiscal year pursuant to Sections 37252, 37252.2, and
20 37260, the Superintendent shall certify to the Controller the
21 amount of funds needed to fully fund claims pursuant to Sections
22 37252 , 37252.2, and 37260. Upon receipt of certification from
23 the Superintendent, the Controller shall transfer the amount from
24 any funds available for that fiscal year for the Pupil Retention
25 Block Grant program provided pursuant to Article 1
26 (commencing with Section 41505) of Chapter 3.2 of Part 24. If
27 insufficient funds are available from the appropriation for the
28 Pupil Retention Block Grant program for the fiscal year, the
29 Controller shall transfer any remaining funds needed from any
30 amount appropriated for the Pupil Retention Block Grant
31 program for the following fiscal year.

32 (5) The Superintendent shall notify the Director of Finance
33 that there is an insufficiency of funding appropriated for the
34 purposes of Sections 37252 , 37252.2, and 37260 only after the
35 Superintendent has exhausted all available balances of
36 appropriations made for the current or prior fiscal years for the
37 reimbursement of school districts for supplemental instruction
38 and shall report the amount certified to be transferred from the
39 Pupil Retention Block Grant to eliminate that insufficiency.

~~(e) This section shall become operative on July 1, 2005.~~

Text - Pages 2 and 4.